

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WAR N. MARION,

Plaintiff,

v.

JANEL NICKEL, DYLAN RADTKE,  
CHAD KELLER and B. NEUMAIER,

Defendants.

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ORDER

09-cv-723-bbc

Plaintiff War Marion moves for an order requiring non-parties, Debra K. Wilson, Roy Devenport, William F. Lefevre and Sheriff Richards to respond to his requests for interrogatories and admissions. As defendants point out, plaintiff may only serve interrogatories and requests for admissions on parties to this action. Fed. R. Civ. P. Rules 33 and 36. The proper method to obtain discovery of a nonparty is through Rule 45, which authorizes the issuance of subpoena compelling a witness' appearance for deposition.

Int his case, defendants have agreed to accept a reasonable number of interrogatories and requests for admissions on behalf of William F. Lefevre and Roy Devenport. However, defendants' counsel does not agree to accept discovery requests for Debra K. Wilson or Sheriff Richards.

Although plaintiff's motion fo an order to compel non-parties to respond to discovery requests will be denied, pursuant to defendants' agreement he may serve interrogatories and requests for admissions on LeFevre and Davenport.

ORDER

IT IS ORDERED that plaintiff's motion to use discovery on persons not parties, dkt. #29, is DENIED, but pursuant to defendants' consent plaintiff may serve discovery requests on Lefevre and Devenport.

Entered this 30<sup>th</sup> day of July, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge